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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

March 18, 1996

OUR FILE NO.
0373-101-63

Mr. William F. Caton, Acting Secretary
Federal Communications Commission
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re WT Docket No. ~~96-18~~
PP Docket No. 93-253

Dear Mr. Caton:

Enclosed herewith on behalf of Western Radio Services Co., Inc., are an original and four copies of Western's Comments in the above-referenced proceedings. These Comments were submitted previously as part of Western's comments in the Interim Licensing proceeding in the above-referenced matter, and are submitted herewith in order to ensure they are considered in the Commission's review of these dockets.

If there are any questions regarding this matter, please do not hesitate to contact the undersigned.

Very truly yours,



Amelia L. Brown

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Enclosures (4)

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Before The
Federal Communications Commission
Washington, D.C. 20554

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|----------------------------------|---|----------------------|
| In The Matter Of |] | |
| |] | |
| Revision of Part 22 and Part 90 |] | WT Docket No. 96-18 |
| of the Commission's Rules to |] | |
| Facilitate Future Development |] | |
| of Paging Systems |] | |
| |] | PP Docket No. 93-253 |
| Implementation of Section 309(j) |] | |
| of the Communications Act -- |] | |
| Competitive Bidding |] | |

TO: The Commission

Comments

Western Radio Services Co., Inc. ("Western"), by its attorneys, respectfully files its Comments in response to the Notice of Proposed Rule Making, released February 9, 1996 ("NPRM"), in the above-entitled matter.¹ In support hereof, the following is submitted:

I. Identity and Interest

Western is a radio common carrier based at Bend, Oregon. It is the licensee of VHF and UHF two-way mobile channels and dedicated paging frequencies. Western serves extensive areas of Oregon. Autotel, a Western affiliate, serves Nevada.

¹ These Comments were also contained in Comments and a Request for Clarification submitted by Western to the Commission on March 1, 1996, the deadline for filing comments in the Interim Licensing proceeding of these dockets. They are submitted herewith to address solely the geographic licensing issue in the dockets.

II. Comments

There is No Need for Geographic Licensing for Channels Outside of the 900 MHz Channels and the Impact of Doing So Will Be a Reduction in Quality and Quantity of Service To The Public.

The public interest is not served by geographic licensing on all bands, particularly the 150 and 450 MHz bands, as proposed in the NPRM, because there is no need to do so. In the NPRM, the Commission sought comment on the costs and benefits of converting paging to geographic licensing on each CCP frequency band. However, the NPRM noted that a conclusion in favor of geographic licensing would not require the adoption of identical rules in all paging bands.² Western believes it is inappropriate to convert to a geographic licensing system in the 150 and 450 MHz bands because, within Oregon alone, most frequencies are already allocated. Of those allocated, three are licensed to the same entity, and the other frequency is licensed to eight licensees.

Western recently approached two large CCP providers that have co-channel stations covering the heavily populated areas of Western Oregon about networking their systems for wider coverage. One was not interested because the frequency is licensed to others in other markets, and they saw little benefit in just adding Central Oregon. The other large CCP provider has actually discontinued service at some VHF locations. Both large carriers are building out wide area 900 MHz systems. There is no incentive for geographic

² See note 23 of NPRM.

licensees, who by virtue of economies of scale can monopolize a given geographic area, to share in the business with Incumbents if they are not forced to do so.

The NPRM suggests that current licenses ("Incumbents") could continue operating under existing authorizations with full power protection from interference if they did not obtain geographic licensing or merge/consolidate with a geographic licensee. However, Western asserts that coexistence between Incumbents and geographic licensees, especially in such rural areas as much of Western's service areas, would be impossible. The unserved areas will suffer if the Commission implements geographic licensing. An example is illustrative -- last summer Western brought paging service to a community that had none. The market potential is 30 to 40 pagers. Had Western not already been in the process of constructing a building and tower for two-way service, Western would not have been able to justify the investment in paging for such a small number of users. If Western were required to pay a geographic licensee for the right to use the frequency, that community would still be without paging service.

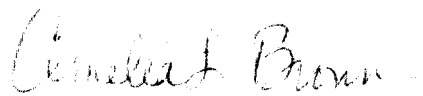
Incumbent CCP providers need the flexibility to modify their existing coverage areas outward as the communities they serve expand. CCP providers should not be placed in a position where their systems are held hostage by a geographic licensee who has no stations in the immediate area. One compromise would be to allow the incumbent to add stations so long as 50% or more of the proposed

coverage of the new facility overlapped the coverage provided by the existing station.

For the reasons stated above, Western urges the Commission not to adopt geographic licensing for CCP operators in the bands other than 900 MHz.

Respectfully submitted,

WESTERN RADIO SERVICES CO., INC.



Amelia L. Brown
Henry A. Solomon

Its Attorneys

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